but, if he had had a fair trial, he might for all I know have been acquitted. In these circumstances, the questions which I have to answer are accordingly these:

(1) Is Mr Wong 'of good character'?
(2) If so, ought I to exercise my discretion for or against his admission?

(If (1) is answered in the negative, (2) of course does not arise.)

As to (1), I must first consider what in its context the expression 'of good character' means. What is a man's 'character'? It may be his disposition, what he in fact is; or it may be his reputation, what other people think he is: see, for example, *Plato Films Ltd* v *Speidel*[2] especially the speech of Lord Denning at pp 1137 and 1138. For the purposes of the qualification (b) in s 4, in my judgment, it means both his disposition and reputation, so that if the petitioner appears, from the evidence on the petition, either to lack the qualities of integrity, honesty and the like which an advocate and solicitor ought to possess, or to have a bad reputation in these respects, he will be shown to want that 'good character' which he needs in order to satisfy the qualification.

The certificates of 'good character' are, on the face of them, evidence of the good character of the petitioner; that, indeed, is why they are required. But they cannot be conclusive. Is there anything to displace them? In particular, am I bound, or even entitled, to hold, on the basis only of the law report of *Loh's* case, that Mr Wong is not of 'good character'? In my judgment, I am not. At common law, even a conviction of a criminal offence is regarded as no more than the expression of the opinion of the tribunal as to the guilt of the accused: see *Hollington* v *Hewthorn*.[3] And a discharge is not even that, though the discharge be on technical rather than substantive grounds.

It is true that in the present case Mr Wong was convicted at first instance of the offences with which he was charged. But what is the worth of the opinion of the tribunal of first instance, when it was arrived at at the conclusion of a trial at which (according to the report) 'he was unfairly and improperly cross-examined as to the offences with which he was not charged' and 'he was confronted by grossly prejudicial and irrelevant evidence.' The answer must be: nothing.

Since there is nothing else, apart from the report, which the Attorney General urges against Mr Wong's 'good character', I do not think that I am entitled to hold that Mr Wong has 'failed to show that he is of good character'.

So I answer question (1) in the affirmative; and I turn to (2).

I have a discretion whether to admit Mr Wong or to refuse to admit him. But I have no material on which I can exercise that discretion against Mr Wong. Given, as I have held, that he is qualified to be admitted, and the absence of any legitimate ground for doing otherwise, I think I must exercise my discretion in his favour. There is nothing to displace the effect of the certificates of good character which have been lodged on his behalf.

Nothing in this judgment has or is intended to have any effect upon the question whether Mr Wong is qualified to apply for a practising certificate. The qualifications, under Part II of the Act, for admission as an advocate and solicitor and, under Part III of the Act, for obtaining a practising certificate, are distinct matters. It may, however, not be out of place for me to point out that under an amendment made on 24 September 1987 to s 14(1) of the Act, an advocate and solicitor is not qualified to apply for a practising certificate unless, among other things, he is or is about to be ordinarily resident in Brunei; and that, on the evidence before me, Mr Wong does not appear to satisfy.

Order accordingly.

Solicitors: *Sarjeet & Co.*

Reported by *Ng Sheau Jiuan*

Re Joseph Linus

HIGH COURT (BANDAR SERI BEGAWAN) – ORIGINATING MOTION NO 24 OF 1988
GODFREY J
9 JUNE 1988

Legal Profession – Ad hoc admission as advocate and solicitor – Application for – Whether familiarity with facts of case and conducting preliminary stages of case constitute 'special experience' – Legal Profession Act (Cap 132), s 7(1)

Words and Phrases – 'Special experience' – Legal Profession Act (Cap 132), s 7(1)(c)

The applicant made an application under s 7 of the Legal Profession Act (Cap 132) ('the 'Act') to be admitted as an advocate and solicitor so as to represent his client in a forthcoming case. The applicant submitted that he has 'special experience' within the meaning of those words as used in s 7(1)(c) of the Act in that he has appeared for his client on the first mention date of his case, has taken detailed instructions from him regarding the charge he is facing and that his client wants him to represent him without any change of counsel. These circumstances thereby made him more familiar with the facts of the case than any other advocate or solicitor whether in Brunei or elsewhere. The Attorney General opposed the ad hoc admission of the applicant, contending that the provisions of s 7(1)(c) are designed to enable a person to obtain admission for any case given that he has special qualifications or experience in the sort of work involved in the case for which admission is sought.

Held, dismissing the application: (1) The expression 'special qualifications or experience' is plainly not related to qualifications or experience gained in the course of conducting the

preliminary stages of the particular case which the applicant seeks to be admitted to present in Brunei. It refers to special qualifications or experience which cannot be found in Brunei and have to be imported from elsewhere.

(2) If those responsible for the Legal Profession Act had intended that someone in the position of the applicant should be permitted, having started a case, to finish it, they could have incorporated appropriate transitional provisions in the Act for that purpose. But they did not do so and s 7 (1)(c) is not to be misconstrued so as to have that effect.

Legislation referred to
Legal Profession Act (Cap 132) ss 7(1), 14

Mohamed Daud bin Ismail for the applicant.
Ivan Leong (Acting Principal Counsel) for the Attorney General.

Cur Adv Vult

Godfrey J: This is an application under s 7 of the Legal Profession Act (Cap 132). Section 7(1) reads as follows:

(1) Notwithstanding anything to the contrary contained in this Act a judge may for the purpose of any case admit to practise as an advocate and solicitor any person who –

(a) holds Her Britannic Majesty's Patent as Queen's Counsel;
(b) does not ordinarily reside in Brunei but who has come or intends to come to Brunei for the purpose of appearing in the case on instructions of an advocate and solicitor;
(c) has special qualifications or experience for the purpose of the case.

The applicant is Joseph Linus, who claims to be currently authorized to practise as an advocate and solicitor of the Supreme Court of Singapore; and for present purposes I will assume that he is.

In his affidavit in support of his application, Mr Linus states that he wishes to appear in Brunei for one Hon How Luong, who is charged under ss 6(b) and 29(2) of the Misuse of Drugs Act (Cap 27) with offences connected with the consumption and possession of drugs. Mr Linus says that he was briefed in relation to these matters in early December 1987 while he had a valid practising certificate in Brunei. He says he has met his client on several occasions since and has taken detailed instructions from him regarding the charges he is facing. He says that he appeared for the client on the first mention date of his case. The client has indicated to Mr Linus that he wants Mr Linus to represent him throughout without a change of counsel. No substantive hearing has yet taken place but Mr Linus is more familiar with the facts of this particular case than any other advocate or solicitor, whether in Brunei or elsewhere.

On this basis, it was submitted on behalf of Mr Linus that he has 'special experience', within the meaning of those words as used in s 7(1)(c), for the purposes of the case in which he wishes to appear.

The Attorney General, who has a right under s 7 to express his views upon this application, has indicated by his counsel that he opposes the ad hoc admission of Mr Linus. The Attorney General says that 'special experience', as that phrase is used in s 7(1)(c), does not have the meaning for which Mr Linus contends. He submits that the provisions of s 7(1)(c) are designed to enable a person to obtain admission for any one case given that he has special qualifications or experience in the sort of work involved in the case for which admission is sought; and he adopts the view of s 7(1) reflected by the Chief Registrar in a letter dated 10 February 1988 addressed to all practising advocates and solicitors in Brunei Darussalam.

In my judgment, the Attorney General is right. The expression 'special qualifications or experience' is plainly not related to qualifications or experience gained in the course of conducting the preliminary stages of the particular case which the applicant seeks to be admitted to present in Brunei. It refers to special qualifications or experience which cannot be found in Brunei and have to be imported from elsewhere.

There is nothing special about this particular case, nor in the evidence as to the qualifications or experience of Mr Linus, which would justify my acceding to this application. On that short ground, I propose to reject it; but I ought to deal with a more general point raised by the Attorney General.

He complains that it would be an abuse of the Legal Profession Act for a person to apply for ad hoc admission, in one case after another, simply as a way of avoiding the requirements of s 14 of the Act, which are that, in order to obtain a practising certificate, the applicant must be practising or intending to practise in Brunei. I do not propose to comment on the Attorney General's suggestion that this may be a case of such an abuse. I wish, however, to make it plain that if ever it appears from the evidence in any case that the provisions of s 7 are being abused, this court will know what to do about it.

Meanwhile, the fundamental question is: Has the applicant in this particular case brought himself within the provisions of s 7(1)? He claims to have done so only in relation to s 7(1)(c); and, for the reasons I have given in my judgment, he has failed. If those responsible for the Legal Profession Act had intended that someone in the position of the applicant should be permitted, having started a case, to finish it, they could have incorporated appropriate transitional provisions in the Act for that purpose. But they did not do so; and s 7(1)(c) is not to be misconstrued so as to have that effect.

Order accordingly.

Solicitors: *Segar & Co.*

Reported by *Ng Sheau Jiuan*